

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALICIA NOLEN,  
Plaintiff,

v.

PEOPLECONNECT, INC.,  
Defendant.

Case No. 20-cv-09203-EMC

**ORDER RE JOINT DISCOVERY  
LETTER**

Docket No. 221

The parties have filed a joint letter regarding a discovery dispute. In essence, Ms. Nolen asks for access to current and former versions of the website Classmates.com (for the period December 18, 2020, to the present) so that she can understand how the website works for Visitors (users of the website who do not register for an account), Free Members (users who register for an account but who have not purchased the subscription service), and Subscribers (registered users who have purchased the subscription service).

The Court rules as follows.

PeopleConnect shall provide login credentials so that one attorney of record representing Ms. Nolen can access the current website as a Free Member. Before login credentials are provided, the parties shall meet and confer and reach agreement on, in effect, a protective order, providing, *e.g.*, that counsel for Ms. Nolen is being given access for purposes of this litigation only and that counsel is not to use the access to identify putative class members or potential class representatives for this lawsuit. Counsel shall be allowed to take screenshots and print screenshots.

1 The Court shall not, at this time, order PeopleConnect to give Ms. Nolen or her counsel  
2 access to prior versions of the website. It is not clear that there are operable prior versions. Even  
3 if there are, PeopleConnect has submitted a declaration (in conjunction with its opposition to the  
4 motion for class certification) that, “[s]ince the original complaint in this action was filed, there  
5 have been minor changes to the design of Classmates.com” but “none of those changes altered the  
6 nature of the Website flows.” Docket No. 217 (Toviola Decl. at 2 n.1). However, the Court does  
7 order PeopleConnect to provide evidence to Ms. Nolen (e.g., screenshots) sufficient to establish its  
8 position that there have been no material changes to the design of the website in terms of “flow.”  
9 In addition, PeopleConnect shall produce (as it has offered) pages of the yearbook that include Ms.  
10 Nolen with her images unsuppressed. *See* Jt. Letter at 3.

11 PeopleConnect shall provide access and produce documents as ordered above within one  
12 week of the date of this order. Ms. Nolen’s reply for the class certification motion shall be filed  
13 within one week thereafter. The Court reserves the right to continue the hearing on the motion for  
14 class certification if necessary.

15 This order disposes of Docket No. 221.

16  
17 **IT IS SO ORDERED.**

18  
19 Dated: July 17, 2023

20  
21   
22 EDWARD M. CHEN  
23 United States District Judge  
24  
25  
26  
27  
28